



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Raymond ORTEGA (1),

Angel Jesus RODRIGUEZ (2),

Defendants.

) Magistrate Case No.:

'08 MJ 85 45

) COMPLAINT FOR VIOLATION OF

) 21 U.S.C. § 952 and 960

) Importation of a Controlled Substance

) (Felony)

The undersigned complainant being duly sworn states:

On or about June 16, 2008, within the Southern District of California, defendants Raymond ORTEGA and Angel Jesus RODRIGUEZ did knowingly and intentionally import approximately 58.26 kilograms (128.17 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 17th
DAY OF JUNE, 2008.

PETER C. LEWIS
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Raymond ORTEGA (1)

4 Angel Jesus RODRIGUEZ (2)

5 STATEMENT OF FACTS

6 This complaint is based upon the personal observations, investigation and
7 information provided to U.S. Immigration and Customs Enforcement Special Agent
8 Douglas Struckmeyer.

9 On June 16, 2008, Raymond ORTEGA and Angel Jesus RODRIGUEZ entered
10 the United States at the Calexico, California, West Port of Entry. ORTEGA was the
11 driver and RODRIGUEZ was the passenger of a 1996 Chevrolet Gladiator van
12 registered to Rigoberto SANCHEZ, ORTEGA's brother.

13 Customs and Border Protection Officer (CBPO) D. Pizano took a negative
14 Customs declaration from ORTEGA and RODRIGUEZ. At the time of their entry,
15 ORTEGA had identified himself as Rigoberto SANCHEZ and had presented a valid
16 California driver's license bearing the same name. ORTEGA and RODRIGUEZ stated
17 they had travelled into Mexico in order to visit family for Father's Day. CBPO Pizano
18 referred ORTEGA, RODRIGUEZ, and the vehicle to the vehicle secondary area for
19 further inspection.
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21 CBPO O. Hurtado encountered ORTEGA and RODRIGUEZ in the secondary
22 inspection area. CBPO HURTADO received negative Customs declarations from
23 ORTEGA and RODRIGUEZ. After a brief interview, CBPO Hurtado requested Canine
24 Enforcement Officer (CEO) B. Pyburn screen the vehicle with his Narcotic Detector Dog
25 (NDD). The NDD alerted to the presence of an odor of a controlled substance coming
26 from the roof of the vehicle. A search of the vehicle's roof resulted in the discovery of
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1 51 packages hidden within a false roof. The packages contained a green leafy
2 substance which field-tested positive for marijuana. The total weight of the packages
3 was 58.26 kilograms (128.17 pounds).

4 Special Agents (S/A) D. Struckmeyer and B. Wood interviewed ORTEGA and
5 RODRIGUEZ. S/A Struckmeyer furnished each individual with their constitutional rights
6 per Miranda in English with S/A Wood present. Each individual orally waived their
7 rights, as well as signing the written waiver of rights, agreeing to make a statement.
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9 ORTEGA stated he was hired by RODRIGUEZ to smuggle the marijuana into the
10 United States. ORTEGA stated RODRIGUEZ was going to pay him, "...a couple of
11 grand," for smuggling the marijuana. ORTEGA stated RODRIGUEZ provided him with
12 the vehicle and he registered the vehicle in his brother's name. ORTEGA said he also
13 used his brother's California driver's license to enter the United States because he does
14 not have a valid driver's license. ORTEGA stated RODRIGUEZ organized the
15 marijuana load through his uncle and that RODRIGUEZ has smuggled marijuana from
16 Mexicali in the past.
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19 RODRIGUEZ stated he had no knowledge of the marijuana in the vehicle.
20 RODRIGUEZ stated ORTEGA invited him to go to Mexicali to spend Father's Day with
21 members of ORTEGA's family, and he had never been to Mexicali prior to this trip.
22 RODRIGUEZ also claimed he had never been in the van prior to this trip. RODRIGUEZ
23 claimed he and ORTEGA only stayed in Mexico for approximately three to four hours,
24 and they did not visit ORTEGA's family while they were in Mexico.
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